

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:18-CV-164-KS

ERIC EDWARD BLAIR,)
)
 Plaintiff,)
)
)
)
 v.) **ORDER**
)
 KILOLO KIJAKAZI,)
 Acting Commissioner of Social Security,)
)
 Defendant.)

This matter is before the court on Plaintiff's counsel's motion for attorney's fees under 42 U.S.C. § 406(b). Defendant filed a response neither supporting nor opposing the motion.

Attorneys' fees under § 406(b) are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b). Having carefully considered Plaintiff's counsel's motion and supporting documentation, the court ORDERS that Michael G. Gillespie, Esq., 415 Chestnut Street, Wilmington, NC 28401, be awarded an attorney's fee under § 406(b) in the amount of \$38,155.73 (or 25% of past-due benefits, whichever is less). Plaintiff's counsel shall reimburse Plaintiff the sum of \$4,250.00, which represents fees previously received under the Equal Access to Justice Act, 28 U.S.C. § 2412 (EAJA).

This 14th day of August 2023.

Kimberly A. Swank
KIMBERLY A. SWANK
United States Magistrate Judge